



WEST VIRGINIA

ALCOHOL BEVERAGE CONTROL ADMINISTRATION

FREDRIC L. WOOTON, COMMISSIONER

FILED

WV SECRETARY OF STATE

NOVEMBER 05, 2021 03:24 PM

November 5, 2021

VIA HAND DELIVERY

Maureen Lewis

Secretary of State's Office – Administrative Law

Bldg. 1, Suite 157-K

1900 Kanawha Blvd. East

Charleston, WV 25305-0770

Re: West Virginia Code of State Rules
– Administrative Notice for 175 CSR 6

Dear Maureen:

Pursuant to WV legislative rule 175 CSR 6, specifically §§ 8.5, 11.1 and 11.2 and the WVABCA Commissioner's Order dated November 5, 2021, the attached Table 1 amended by publication on November 5, 2021 in the State Register which will be effective February 3, 2022, (at least 90 days from the date the Administrative Notice was published).

The relevant sections are as follows:

“11.1. Suppliers doing business with ABCC under the bailment inventory system will be charged for routine warehousing services, such charges will be deducted from the amount due the suppliers for withdrawals of their stock from bailment inventory.” . . . **“The amount of such charges will be imposed by administrative notices filed in the State Register.”**

11.2. ABCC may also impose handling fees when extra services are performed. Examples of extra services and charges are as follows: (See Table 1 at the end of this rule.)”

If you have any further questions, please feel free to contact the WVABCA at 304-356-5507.

Sincerely,

Anoop Bhasin, Esq.
General Counsel

**ORDER OF THE WEST VIRGINIA
ALCOHOL BEVERAGE CONTROL ADMINISTRATION COMMISSIONER**

I, Fredric L. Wooton, West Virginia Alcohol Beverage Control Administration Commissioner (the "Commissioner") duly appointed by the Governor of the State of West Virginia, orders the WVABCA Spirits Division and Warehouse to change certain prices and fees set forth in Table 1 to 175 CSR 6 in order to generate the requisite net profit for the General Fund of the State of West Virginia and in accordance with Chapter 60 of the West Virginia Code, more specifically as authorized in W. Va. Code §60-3A-17 and the West Virginia legislative rules at 175 CSR 5 and 175 CSR 6, effective February 3, 2022.

Based on the above, it is hereby **ORDERED** that the certain prices and fees set forth in Table 1 to 175 CSR 6 on liquor will change, effective February 3, 2022.

ENTERED THIS 5th DAY OF NOVEMBER, 2021



FREDRIC L. WOOTON, COMMISSIONER
W.Va. Alcohol Beverage Control Administration

175 CSR 6

TABLE 1

<u>SERVICE</u>	<u>CHARGE*</u>
Recouping/Repacking damaged cases	\$2.00 per case (new carton not needed)
Supplying new cartons for damaged cases	\$5.00 per box
Relabeling or recoding cases	\$5.00 per label
Restacking or hand unloading pallets	\$15.00 per layer
Loading cases for return to supplier	\$10.00 per pallet + \$.80 per case Bailment withdrawal
Delivery fee	\$2.75 per case
Return of cases from stores to ABCC Warehouse	\$2.75 per case
Destruction of cases	\$2.75 per case
Out of stock (inventory level as required by WVABCA)	32% of Vendor's Delivered Case Cost for each backordered case
Delivery no show/no call	\$100.00 the 1st occurrence, \$250.00 the 2nd occurrence \$250.00, and on the 3 rd occurrence the WVABCA will review the trucking company, manufacturer and broker's files to determine whether or not to continue to accept deliveries.

Upon a showing of good cause, the Commissioner may, in his sole discretion, waive a charge or fee on this list.

* Note: Charges are subject to change with ninety (90) days' notice by ABCC, such notice to be filed in the State Register. (See 175 CSR 6, specifically §§8.5., 11.1. and 11.2.)

Filed: November 5, 2021

Published: November 5, 2021

Effective from: February 3, 2022